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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,781	12/26/2001	Toshihiro Morohoshi	04329.2719	5898

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,781

Applicant(s)

MOROHOSHI ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/06_05/03_12/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shioi (EP 1111612).

Regarding claim 1, Shioi discloses a digital recording/playback apparatus comprising:
data storage means for storing stream data having predetermined data format and
including a plurality data blocks (see paragraphs 0066 and 0090);

playback control (see fig. 17 components 56 and 58 and paragraphs 0035) means for
performing control such that a changed read start position of the stream data is determined, and
a present read start position is set at a leading position of a data block containing the determined
changed read start position (see fig. 15 and paragraph 0035 line 40-col. 8 line 15-24) ; and

playback means for playing back the stream data stored in said data storage means from
the changed read start position set by said playback control means (see fig. 16 and paragraph
0076).

Regarding claim 2, Shioi discloses the control by said playback control means is executed
after one of pause, fast forward, and rewind is performed (see fig. 15 and paragraphs 0068 and
0071).

Regarding claim 3, Shioi discloses the stream data includes the plurality of data blocks, and header information containing the data block sizes and the number the plurality of data blocks (see fig. 20 and paragraphs 0031, 0033 and 0090 and 0092).

Regarding claim 4, Shioi discloses the predetermined data format has a fixed length (see paragraph 0090).

Regarding claim 5, Shioi discloses the predetermined data format has a non-fixed length (see paragraph 0034).

Regarding claim 6, Shioi discloses a digital recording/playback apparatus comprising:
data storage means for storing stream data having a data format including a plurality of different data blocks (see paragraphs 0066 and 0090);

playback control means for performing control such that a changed read start position of the stream data is determined, read start position present data block of first type set at a leading frame position data block of first type which contains the determined changed read start position (see rejection of claim 1 and paragraphs 0037, 0040 and 0049), data block second type is determined on the basis of the data block of first type, and a read start position of present data block of second type is set at a leading frame position of the determined data block of second type (see figures 15 and 16 and paragraphs 0072-0074); and

playback means for playing back the stream data stored in said data storage means from the read start position of the data block of first type and the read start position of the data block of second type set by said playback control means (figs. 15 and 16 and paragraphs 0076-0078).

Regarding claim 7, Shioi discloses time stamp information is attached to each of the plurality of types of data block and said playback control means determines the data block of

second type on the basis of the time stamp information attached to the data block of first type which contains the changed read start position, and the time stamp information attached to the data block of second type (see paragraphs 0069 and 0071).

Claim 9 is rejected for the same reason as discussed in claim 2 above.

Regarding claim 10, Shioi discloses the plurality of types of data blocks include audio data and video data (see paragraphs 0030).

Regarding claims 11 and 12, the limitations of claims 11 and 12 can be found in claims 1 and 6 above. Therefore claims 11 and 12 are analyzed and rejected for the same reason as discussed in claims 1 and 6 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioi in view of Kawai (US Pat. No. 2001/0033581 A1).

Regarding claim 6, Claim 6 differs from Shioi in that the claim further requires FIFO buffers which store the plurality of types of data blocks of the stream data, stored in said data storage means, for each data block type; and information tables which are formed in one-to-one correspondence with said FIFO buffers, and each of which stores the buffer address and time stamp information of data block stored in a corresponding FIFO buffer. Although Shioi does not specifically teach the above limitation, Shioi discloses reproduction of multimedia data is restarted from the state at a time point at which the reproduction was stopped at a previous time (see paragraph 0071). Shioi further discloses a plurality of pieces of index information and information for specifying the number of said pieces of index information onto a recording medium (see claim 2). Shioi further discloses index information are attached to multimedia file and recorded onto a recording medium.

In the same field of endeavor Kawai discloses FIFO buffers which store the plurality of types of data blocks of the stream data, stored in said data storage means, for each data block type (see paragraphs 0155 and 0192); and information tables which are formed in one-to-one correspondence with said FIFO buffers, and each of which stores the buffer address and time stamp information of data block stored in a corresponding FIFO buffer (see paragraph 0121, 0184). Therefore in light of the teaching in Kawai it would have been obvious to modify Shioi by including a FIFO buffer and an information table in order to manage the address and the time of the frame.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikuchi et al. (US Pat. No. 6,477,632)

Parvin et al. (US Pat. No. 6,167,465)

Willis et al. (US Pat. No. 6,154,603)

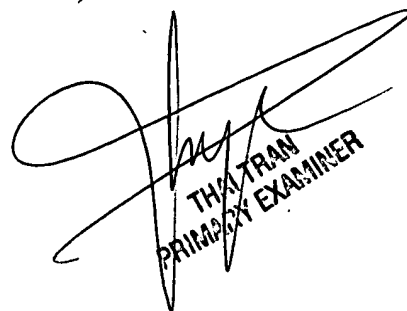
Ahmad et al. (US Pat. No. 6,005,564)

Aoki et al (US Pat. No. 6,009,231)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



THAI Q. TRAN
PRIMARY EXAMINER